

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HENRYK ZEBZDA, et al.,

Plaintiffs,

- against -

TENAVISION, INC., et al.,

Defendants.

-----x

06 Civ. 13123 (DFE)

This is an ECF case

OPINION AND ORDER

DOUGLAS F. EATON, United States Magistrate Judge.

My March 31, 2008 Opinion and Order said, in part:


On the present record, Plaintiffs have failed to make a sufficient statement of a claim arising under federal law. **I hereby grant Defendants' motion (Document 17) for dismissal of the Amended Complaint.** Plaintiffs are free to refile their lawsuit in state court. Alternatively, they can attempt to state a claim under Judge Cogan's theory; if so, then Defendants will be free to attack that theory in a new dismissal motion.

In view of Judge Cogan's decision, I hereby grant Plaintiffs leave to file a Second Amended Complaint, no later than April 30, 2008. ... If any of the Plaintiffs wants to file an amended complaint that goes beyond these limits, then he must first file a formal motion for leave.

To date, Plaintiffs have not proceeded further in our Court. They have not filed any Second Amended Complaint, or any motion for leave to file a Second Amended Complaint going beyond the limits set forth in my March 31, 2008 order.

The Docket Entry for March 31, 2008 did not note that I had granted the Defendants' motion (Document 17) and dismissed the first Amended Complaint. I direct the Clerk's Office to (a) make a docket entry noting that all motions have been decided, and (b) close this case.





DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
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Dated: New York, New York  
May 29, 2008

Copies of this Opinion and Order are being sent by fax and by  
electronic filing to:

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